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Attorney for Defendant
JAGMOHAN S. DHILLON

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

<p>UNITED STATES OF AMERICA</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>JAGMOHAN S. DHILLON,</p> <p style="text-align: center;">Defendant.</p>	<p>}</p> <p>}</p> <p>}</p> <p>}</p> <p>}</p>	<p>CASE NO: SA CR 08-00223-AG</p> <p>DEFENDANT'S REPLY TO P R O B A T I O N A N D GOVERNMENT'S SENTENCING POSITION; DECLARATION OF JAGMOHAN S. DHILLON; EXHIBITS A AND B;</p> <p>Sentencing Date: 25 August 2011 Time: 3:30 p.m. Judge: Guilford</p>
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Jagmohan S. Dhillon, the defendant, by and through his counsel of record, Robison D. Harley Jr. having received and reviewed the Government's Position regarding Sentencing and Probation's Revised Pre Sentencing Report hereby submits his Reply.

INTRODUCTION

The Government has acknowledged that the defendant has met the last prong of the safety valve provision under Section 5C1.2 and the Pre Sentence Report has been revised to reflect that defendant is no longer subject to a mandatory minimum ten-year term of imprisonment and the two-level decrease in offense level at U.S.S.G. § 2D1.1(b)(16) applies. Both the Government and Probation agree that the revised advisory guideline range is 51 to 63 months.

1 The probation officer found that there was sufficient credible evidence to
2 establish the following disputed arrests/convictions and that the defendant failed to
3 provide any evidence to support his dispute of the following arrests:

- 4 a. An August 2, 1993 arrest and conviction for selling alcohol to a minor by
5 Modesto Police Department as reflected in ¶ 44.
- 6 b. An arrest and conviction on October 1, 1996 by the Royal Canadian Mounted
7 Police for assault and domestic violence as reflected ¶ 45.
- 8 c. An arrest and conviction for selling alcohol to a minor by Modesto Police
9 Department on October 11, 1996 and February 18, 1997 respectively as
10 reflected in ¶ 46.
- 11 d. An arrest on an unspecified date in 1993 by the Royal Canadian Mounted Police
12 for domestic violence as reflected in ¶ 53.

13 **THE DEFENDANT DID NOT IMMIGRATE**
14 **FROM INDIA TO CANADA UNTIL**
15 **NOVEMBER 3, 1997; THUS, IT IS**
16 **IMPOSSIBLE FOR HIM TO HAVE BEEN**
ARRESTED AND OR CONVICTED FOR ANY
OFFENSE IN CANADA OR THE UNITED
STATES BEFORE THAT DATE

17 Exhibit A attached hereto and incorporated by reference herein establishes that
18 defendant immigrated to Canada from India on November 3, 1997 and could not have
19 been in Canada, the United States or North America before that date. The defendant
20 will have the original immigration documents and defendant's Indian passport
21 verifying his initial arrival to North America on November 3, 1997. Thus, the
22 evidence clearly and convincingly shows that any arrests or convictions in North
23 America prior to that November 3, 1997 date are not connected to the defendant.

24 The defendant submits Exhibit B hereto and incorporated by reference herein
25 to bolster his argument for a downward variance based on defendant's post offense
26 rehabilitation.

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CONCLUSION

Any arrests and convictions prior to November 3, 1997 are not connected to the defendant.

Dated: August 23, 2011

Respectfully submitted,

/S/ Robison D. Harley Jr.
Robison D. Harley
Attorney for the Defendant
JAGMOHAN S. DHILLON

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Attorney for Defendant
JAGMOHAN S. DHILLON

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

vs.

JAGMOHAN S. DHILLON,

Defendant.

CASE NO: SA CR 08-00223-AG

DECLARATION OF JAGMOHAN
S. DHILLON IN SUPPORT OF
DEFENDANT'S REPLY TO
PROBATIONS AND
GOVERNMENT'S SENTENCING
POSITION

I, Jagmohan S. Dhillon, declare as follows:

1. I am the defendant in the above-entitled case.
2. I have reviewed the Pre Sentence Report and the revised Pre Sentence Report:
I have specifically reviewed paragraphs 44,45, 46, and 53 under the heading of
the Criminal Convictions and none of those arrests and/or convictions pertain
to me.
3. On November 3, 1997 I immigrated from India to Canada and my Indian
passport and immigration documents verify that.
4. I gave my original passport and my immigration paperwork to my attorney who
will have the documents available at my sentencing for inspection and
verification.

DECLARATION OF JAGMOHAN S. DHILLON
IN SUPPORT OF DEFENDANT'S REPLY TO
PROBATIONS AND GOVERNMENTS
SENTENCING POSITION

1 5. A copy of my original passport and immigration documents are attached hereto.

2 I declare under penalty of perjury that the above is true and correct

3 Dated: August 23, 2011

4 /S/ Jagmohan S. Dhillon
5 **JAGMOHAN S. DHILLON**

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DECLARATION OF JAGMOHAN S. DHILLON
IN SUPPORT OF DEFENDANT'S REPLY TO
PROBATIONS AND GOVERNMENTS
- 2 - SENTENCING POSITION

PROOF OF SERVICE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 825 North Ross, Santa Ana, CA 92701.

On the **23rd of August 2011**, I caused a true copy of the following document(s) to be served in this action upon the person(s) set forth below, by the method(s) indicated:

DOCUMENT(S): **DEFENDANT'S REPLY TO PROBATION AND GOVERNMENT'S SENTENCING POSITION; DECLARATION OF JAGMOHAN S. DHILLON; EXHIBITS A, AND B**
PARTY(IES): **SEE ATTACHED**
SERVED: **SERVICE LIST**

(XX) (BY PERSONAL SERVICE) I caused such **DEFENDANT'S REPLY TO PROBATION AND GOVERNMENT'S SENTENCING POSITION; DECLARATION OF JAGMOHAN S. DHILLON; EXHIBITS A, AND B;** to be electronically filed with the Office of the Clerk on 23 August 2011.

() (BY MAIL), I am "readily familiar" with the firm's practice of collection and processing correspondence. Under that practice, it would be deposited with the U.S. Mail service on that same day with postage thereon fully prepaid at Santa Ana, California, in the ordinary course of business
() (BY FEDERAL EXPRESS) by using express mail service and causing to be delivered overnight next day delivery a true copy thereof to the person(s) at the address set forth above.

() (BY FACSIMILE) I caused such document(s) to be transmitted to the addressee(s) facsimile number (213) 894-1634. The facsimile machine I used complied with Rule 2003 (3) and the transmission was complete without error. (AUSA - FAX (714) 338-3708.

() (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(XX) (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on 23rd August 2011, at Santa Ana, California .

/S/ Daniel B. Watkins
Daniel B. Watkins

SERVICE LIST

Terri Flynn e-filed
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